

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known)

Chapter 11

☐ Check if this an
amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Bier International, LLC

2. All other names debtor
used in the last 8 years

Include any assumed
names, trade names and
doing business as names

3. Debtor's federal
Employer Identification
Number (EIN) 30-0535475

4. Debtor's address Principal place of business

2099 8th Avenue
New York, NY 10026

Number, Street, City, State & ZIP Code

New York
County

Mailing address, if different from principal place of
business

NY

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal
place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: _____

Debtor **Bier International, LLC**
Name

Case number (if known)

7. Describe debtor's business A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.

See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.7225

8. Under which chapter of the Bankruptcy Code is the debtor filing? Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- ☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☐ No.
- ☒ Yes.

If more than 2 cases, attach a separate list.

District	<u>SDNY</u>	When	<u>2/15/18</u>	Case number	<u>18-10418</u>
District		When		Case number	

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☐ No
- ☒ Yes.

List all cases. If more than 1, attach a separate list

Debtor	<u>Ousmane Keita</u>	Relationship	<u>Affiliate</u>
District	<u>SDNY</u>	When	<u>11/14/18</u>
		Case number, if known	<u>18-13547 (CGM)</u>

Debtor **Bier International, LLC**
Name

Case number (if known)

11. Why is the case filed in this district?*Check all that apply:*

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?☒ No☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.**Why does the property need immediate attention?** (Check all that apply.)☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other _____**Where is the property?** _____

Number, Street, City, State & ZIP Code

Is the property insured?☐ No☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information**13. Debtor's estimation of available funds***Check one:*

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors☒ 1-49☐ 50-99☐ 100-199☐ 200-999☐ 1,000-5,000☐ 5001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000**15. Estimated Assets**☒ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion**16. Estimated liabilities**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☒ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor **Bier International, LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

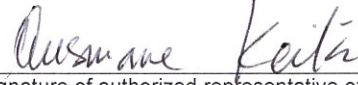
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

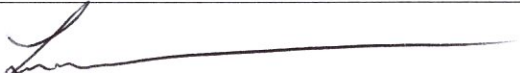
Executed on **November 13, 2018**
MM / DD / YYYY

X 
Signature of authorized representative of debtor

Ousmane Keita
Printed name

Title **Manager**

18. Signature of attorney

X 
Signature of attorney for debtor

Date **November 13, 2018**
MM / DD / YYYY

Lawrence F. Morrison
Printed name

Morrison Tenenbaum, PLLC
Firm name

87 Walker Street, Second Floor
New York, NY 10013
Number, Street, City, State & ZIP Code

Contact phone **212-620-0938**

Email address **info@m-t-law.com**

2889590 NY

Bar number and State

**United States Bankruptcy Court
Southern District of New York**

In re **Bier International, LLC**

Debtor(s)

Case No.

Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Bier International, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

November 14, 2018

Date



Lawrence F. Morrison

Signature of Attorney or Litigant
Counsel for **Bier International, LLC**

Morrison Tenenbaum, PLLC

87 Walker Street, Second Floor

New York, NY 10013

212-620-0938 Fax: 646-390-5095

info@m-t-law.com

Fill in this information to identify the case:

Debtor name Bier International, LLC

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ Schedule A/B: Assets—Real and Personal Property (Official Form 206A/B)
- ☐ Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D)
- ☐ Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)
- ☐ Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G)
- ☐ Schedule H: Codebtors (Official Form 206H)
- ☐ Summary of Assets and Liabilities for Non-Individuals (Official Form 206Sum)
- ☐ Amended Schedule
- ☒ Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 13, 2018

X

Ousmane Keita
Signature of individual signing on behalf of debtor

Ousmane Keita
Printed name

Manager
Position or relationship to debtor

Fill in this information to identify the case:

Debtor name **Bier International, LLC**
United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**
Case number (if known): _____

☐ Check if this is an
amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Business Resource & Investment c/o Law Office of Steven Cohen 540 E. 180th St, Ste 203 Bronx, NY 10457		Business Receipts	Disputed	\$70,730.00	Unknown	Unknown
NYC Dept. of Consumer Affairs 42 Broadway New York, NY 10004						\$0.00
NYS Dept. of Tax and Fin. Bankruptcy Section PO Box 5300 Albany, NY 12205		Sales Tax	Unliquidated			\$28,000.00
Upper Manhattan Develpt Zone 55 West 125th Street, 11th Fl New York, NY 10027		Loan	Unliquidated			\$68,000.00

**United States Bankruptcy Court
Southern District of New York**

In re Bier International, LLC

Debtor(s)

Case No.

Chapter 11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

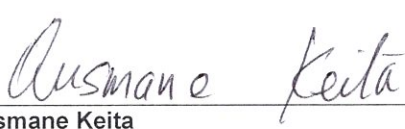
Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Carole Dumont 625 Greenwich St, Apt 4 New York, NY 10014	Common Units	3.8%	
Chris Pollock 232 W 116th Street, Box 192 New York, NY 10026	Common Units	27.5	
Christophe Durand 111 Central Park North New York, NY 10026	Common Units	1%	
David Setchim 392 Sound Beach Ave Old Greenwich, CT 06870	Common Units	7.6%	
Guillaume Boulanger 625 Greenwich Street, Apt D New York, NY 10014	Common Units	11.4%	
Ousmane Keita 221 E 66th Street New York, NY 10065	Common Units	27.5%	
Renaud Caumartin 325 W 16th St, Apt 5E New York, NY 10011	Common Units	11.2%	
Thomas Bertels 414 West 22nd Street Apt 7 New York, NY 10011	Common Units	10%	

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Manager** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date November 13, 2018

Signature


Ousmane Keita

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court
Southern District of New York**

In re Bier International, LLC

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the Manager of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: November 13, 2018



Ousmane Keita/Manager
Signer/Title

BUSINESS RESOURCE & INVESTMENT
C/O LAW OFFICE OF STEVEN COHEN
540 E. 180TH ST, STE 203
BRONX, NY 10457

NYC DEPT. OF CONSUMER AFFAIRS
42 BROADWAY
NEW YORK, NY 10004

NYS DEPT. OF TAX AND FIN.
BANKRUPTCY SECTION
PO BOX 5300
ALBANY, NY 12205

UPPER MANHATTAN DEVELOPT ZONE
55 WEST 125TH STREET, 11TH FL
NEW YORK, NY 10027

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

BIER INTERNATIONAL, LLC,

Case No. 18-_____ ()

Debtor.

-----X

AFFIDAVIT PURSUANT TO S.D.N.Y. LOCAL BANKRUPTCY RULE 1007-2

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, Ousmane Keita, duly sworn, depose and say:

1. I am the Manager of Bier International LLC. (“Debtor”), and as such I am familiar with the operations, business and financial affairs of the Debtor. I submit this Affidavit in accordance with the S.D.N.Y. Local Bankruptcy Rules in support of the voluntary petition filed by the Debtor under Chapter 11 of title 11 of the United States Code (“Bankruptcy Code”).

2. There is no pending bankruptcy case against the Debtor and this petition is filed as a voluntary Chapter 11 proceeding.

3. The Debtor operates a restaurant located at 2099 8th Ave, New York, NY 10026. The Debtor was incorporated on March 30, 2009.

4. The Debtor is filing a voluntary petition under Chapter 11 of the Bankruptcy Code due to a debt collection action and pending seizure of the business.

5. I have 27.5% of the ownership interest as principal in the Debtor.

6. A list of the Debtor’s top twenty (20) largest unsecured creditors is annexed hereto as Exhibit “A”.

7. Currently, the estimated average monthly revenue is about \$45,000.00. The Debtor has 9 employees, and the estimated average monthly payroll is approximately \$8,000.00, including payroll taxes. The other expenses are as follows:

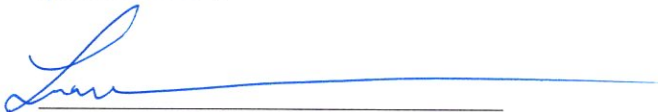
- a. Officer compensation: \$0.00 per month
- b. Estimated Cost of Goods Sold: about \$16,000.00 a month
- c. Estimated Operating expenses, incl. rent: about \$20,000.00 a month

8. All required schedules, if not filed with the voluntary petition on the date of filing, will be filed within fourteen (14) days of the date filing the Debtor's voluntary petition, which will provide a list of the Debtor's assets, secured creditors and other information required.

Dated: New York, New York
November 13th, 2018


By: Ousmane Keita

Sworn to before me this 13th day of
November, 2018


Notary Public

LAWRENCE F. MORRISON
Notary Public, State of New York
Registration #02MO6059654
Qualified In New York County
Commission Expires July 28, 2019

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

BIER INTERNATIONAL, LLC,

Debtor.
-----X

Chapter 11

Case No. 18-_____()

CORPORATE RESOLUTION

At the meeting of the Board of Directors of Bier International, LLC, a New York limited liability company (the "Company"), it was determined to be in the best interests of the Company to file for bankruptcy under Chapter 11 of the United States Bankruptcy Code and the following resolution was adopted:

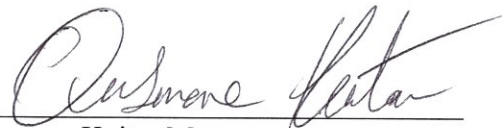
Whereas, it is in the best interest of the Company to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Ousmane Keita, Manager of the Company, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the Company; and

Be It Further Resolved, that Ousmane Keita, Manager of the Company, is authorized and directed to appear in all bankruptcy proceedings on behalf of the Company, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the Company in connection with such bankruptcy case; and

Be It Further Resolved, that Ousmane Keita, Manager of the Company, is authorized and directed to employ Lawrence F. Morrison, attorney and the law firm of Morrison Tenenbaum, PLLC to represent the Company in such bankruptcy case.

Dated: New York, New York
November 13th, 2018

By: 
Ousmane Keita, Manager